

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ELAINE CUNNINGHAM-DIRKS, et al.,

Plaintiffs,

v.

STATE OF NEVADA, et al.,

Defendants.

2:12-CV-00590-PMP-VCF

ORDER

Presently before the Court is Defendant Summerlin Hospital Medical Center, LLC's Motion for Summary Judgment (Doc. #91), filed on October 7, 2013.<sup>1</sup> By this Motion, Defendant seeks resolution of Plaintiffs Elaine Cunningham-Dirks and Dewey Dirks's sole remaining claim under the Fourteenth Amendment for alleged deprivation of liberty based on the factual allegation that Plaintiff Dewey Dirks was involuntarily committed even though he was not a danger to himself or others. Plaintiffs have failed to file a response to Defendant's Motion and thus consent to the granting of Defendant's Motion. Moreover, a review of the Motion for Summary Judgment shows that Defendant is entitled to the relief requested.

The unopposed record before the Court shows that Plaintiff Dewey Dirks's physician, Dr. Bajo, found probable cause to believe that Mr. Dirks had a mental illness, and because of that illness, he was likely a harm to himself or others. Secondly, Summerlin Hospital cannot be found to be vicariously liable for Dr. Bajo's decision to initiate an emergent admission of Plaintiff Dewey Dirks as Dr. Bajo was not an employee or agent of

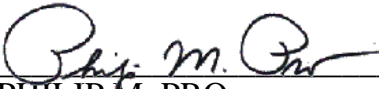
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<sup>1</sup> Defendant Summerlin Hospital Medical Center, LLC contends it incorrectly was named Valley Health Systems in Plaintiffs' Amended Complaint.

1 Summerlin Hospital.

2 IT IS THEREFORE ORDERED that Defendant Summerlin Hospital Medical  
3 Center, LLC's Motion for Summary Judgment (Doc. #91) is granted and the Clerk of Court  
4 shall forthwith enter judgment accordingly. This Order having resolved the final pending  
5 claim in this case, IT IS ORDERED that this case is hereby dismissed.

6  
7 DATED: November 25, 2013

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10 PHILIP M. PRO  
United States District Judge